

**ORDINANCE NO. 09 -2003**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, REZONING APPROXIMATELY 37.24 ACRES OF LAND, OWNED BY DC LAND TRUST LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF CONGRESS AVENUE AND PARK AVENUE EXTENSION AS C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, DC Land Trust (the owners) are the owners of approximately 37.24 acres of land (the subject property) in the Town of lake Park; and

**WHEREAS**, the owners have consented to and authorized the filing of an application by Dodi Glas, Urban Design Studio, (the Applicant) to file an application to rezone the subject property; and

**WHEREAS**, the subject property's legal description is contained in Exhibit B and it's general location as shown in Exhibit A, both of which are attached hereto and incorporated herein; and,

**WHEREAS**, the Applicant proposes to rezone the subject property from Traditional Neighborhood Development (TND); and,

**WHEREAS**, the proposed C-2 Business District is intended to encourage development compatible with surrounding abutting districts, with suitable open spaces landscapes and parking spaces; and,

**WHEREAS**, it is further the intent of the C-2 Business District to limit development to a concentration of permitted uses, by confining those permitted uses to business offices, retailing and commercial recreation activities; and,

**WHEREAS**, the Lake Park Planning and Zoning Board has reviewed the Applicant's application and has made its recommendation prior to second reading to the Town Commission regarding the appropriate zoning district for the subject property; and,

**WHEREAS**, the classification of the property as C-2 Business District is consistent with the subject property's mixed use future land use designation Comprehensive Plan; and,

**NOW THEREFORE,** be it ordained by the Town Commission of the Town of Lake Park:

**Section 1.** The whereas clauses are incorporated herein as true and correct.

**Section 2.** The Town Council hereby assigns the zoning classification of C-2 Business District to the subject property.

**Section 3.** The Town's official zoning map, is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

**Section 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall take effect immediately upon adoption.

THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

Upon First Reading this 16th day of April, 2003, the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Bill Otterson and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u>      </u>
VICE MAYOR CHUCK BALIUS	<u>X</u>	<u>      </u>
COMMISSIONER PAUL GARRETSON	<u>X</u>	<u>      </u>
COMMISSIONER JEANINE LONGTIN	<u>X</u>	<u>      </u>
COMMISSIONER BILL OTTERSON	<u>X</u>	<u>      </u>

Upon Second Reading, this 7th day of May, 2003, the foregoing ORDINANCE was offered by Commissioner, Balius who moved its adoption. The motion was seconded by Commissioner Otterson, and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	<u>      </u>
VICE MAYOR CHUCK BALIUS	<u>X</u>	<u>      </u>
COMMISSIONER PAUL GARRETSON	<u>X</u>	<u>      </u>
COMMISSIONER JEANINE LONGTIN	<u>X</u>	<u>      </u>
COMMISSIONER BILL OTTERSON	<u>X</u>	<u>      </u>

The Mayor thereupon declared Ordinance No.09 - 2003 duly passed and adopted this 7th day of May.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul W. Castro*  
Paul W. Castro, Mayor

ATTEST:

*Carol Simpkins*  
Carol Simpkins  
Town Clerk

Approved as to form and legal sufficiency

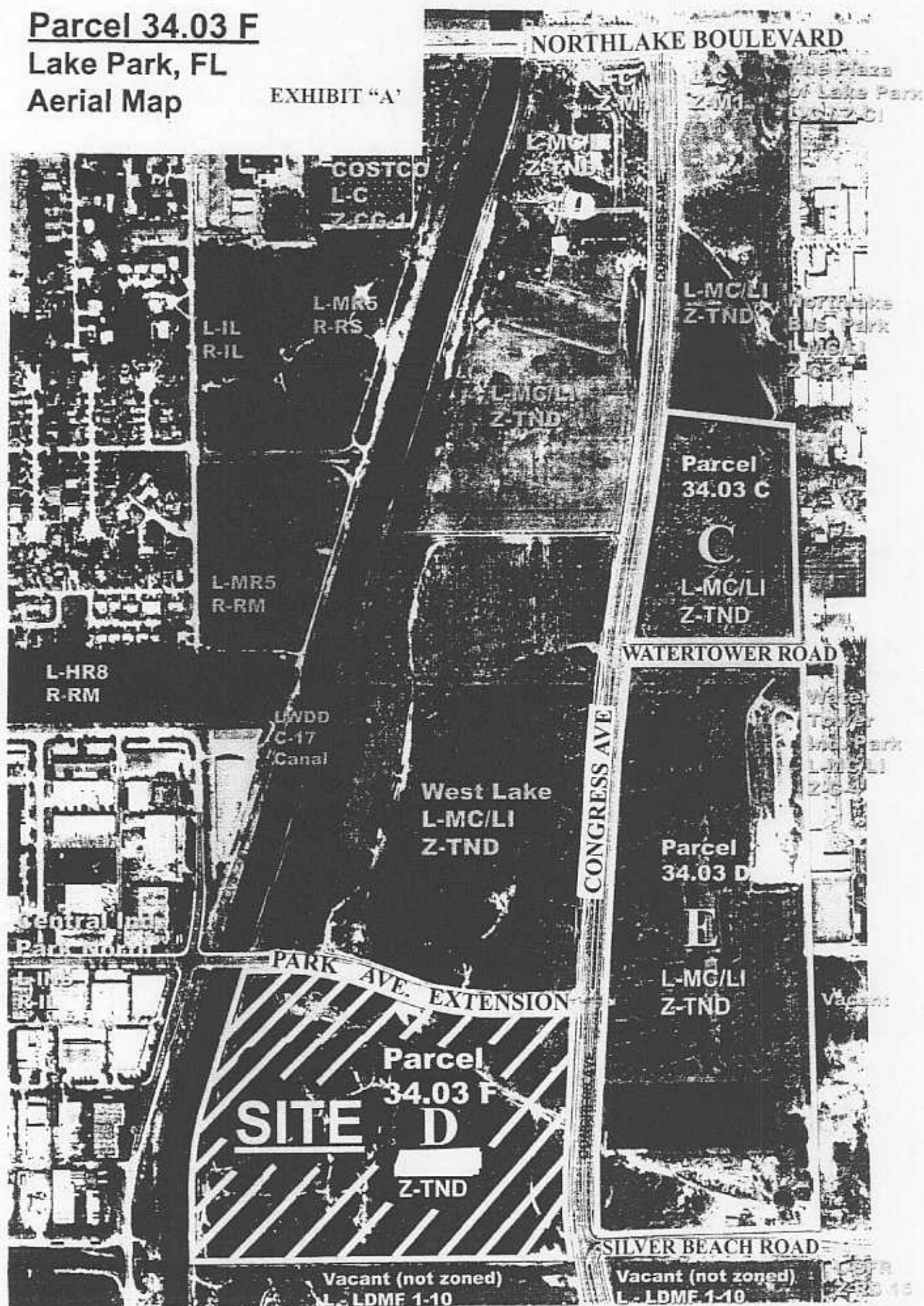
(Town Seal)



BY: *Thomas Baird*  
Thomas Baird, Town Attorney

## Aerial Map

NORTHLAKE BOULEVARD



**EXHIBIT "B"**

**34.04F DC Land Trust**

**PROPERTY DESCRIPTION:** PARCEL 34.03F (O.R.B. 12416, PAGE 162)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE FOR INVESTMENT LANE AS RECORDED IN OFFICIAL RECORD BOOK 11007, PAGE 1479 AND OFFICIAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE FOR SILVER BEACH ROAD AS RECORDED IN PLAT BOOK 21, PAGE 3 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT C-17 CANAL AS SHOWN ON DRAWING No. C-17-13, DATED SEPTEMBER 11, 1979, SHEETS 3 AND 4 OF 6.



# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Tracey Diglio**, who on oath says that she is **Telephone Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being **Notice** in the matter of **Ordinance #09-2003** was published in said newspaper in the issues of **April 20, 2003**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Tracey Diglio*

Sworn to and subscribed before this 21<sup>st</sup> day of April, A.D. 2003

*M. Thmtr*

Personally known XX or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

NO. 7189475  
LEGAL NOTICE OF  
PROPOSED  
ORDINANCE ADOPTION,  
TOWN OF LAKE PARK  
Please take notice that on  
Wednesday, May 7, 2003 at  
7:30 p.m. the Commission  
of the Town of Lake Park,  
Florida in regular session to  
be held in the Commission  
Chambers, Town Hall, 535  
Park Avenue, Lake Park,  
Florida will consider the fol-  
lowing Ordinance on sec-  
ond reading and proposed  
adoption thereof:  
ORDINANCE NO. 09-2003  
AN ORDINANCE OF THE  
TOWN COMMISSION OF  
THE TOWN OF LAKE  
PARK, FLORIDA, AMEND-  
ING THE OFFICIAL ZONING  
MAP OF THE TOWN OF  
LAKE PARK, REZONING  
APPROXIMATELY 37.24  
ACRES OF LAND, OWNED  
BY DC LAND TRUST  
LOCATED AT THE  
SOUTHWEST QUADRANT  
OF THE INTERSECTION  
OF CONGRESS AVENUE  
AND PARK AVENUE  
EXTENSION AS C-2 BUSI-  
NESS DISTRICT, PROVID-  
ING FOR SEVERABILITY  
AND PROVIDING FOR AN  
EFFECTIVE DATE.  
If a person decides to appeal  
any decision made by the  
Town Commission with  
respect to any hearing, they  
will need a record of the  
proceedings and for such  
purpose may need to  
ensure that a verbatim  
record of the proceedings is  
made, which record  
includes the testimony and  
evidence upon which the  
appeal is to be based.  
Carol Simpkins, CMC  
Town Clerk  
Town of Lake Park, FL  
PUB: The Palm Beach Post  
April 20, 2003

